IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 30925 of 2005(F)

OPSUC.C 8//1998 OF MUNSIFF COURT,VARKALA

PETITIONERS:

1. **SUDEVAN, S/O.NARAYANAN SIVAPRASAD, `AISWARYA', KARAKKAMANDAPAM, NEMOM VILLAGE, THIRUVANANTHAPURAM TALUK.**

2. **RAJAN, S/O. SADANANDAN, PRARAJ BHAVAN, SANKARA DESOM, CHIRAYINKEEZHU VILLAGE.**

BY ADV. SRI.R.ANILKUMAR
SRI.P.BANI

RESPONDENTS:

1. **VIJAYAKUMARI, D/O. THANKAMMA, CHENAVILA VEEDU, KAYIKKARA DESOM, KADAKKAVOOR VILLAGE FROM THADATHARIKATHU VEEDU, MADATHARA.**

2. **SREEHANU, D/O. VIJAYAKUMARI, CHENAVILA VEEDU, KAYIKKARA DESOM, KADAKKAVOOR VILLAGE FROM THADATHARIKATHU VEEDU, MADATHARA - (MINOR).**

3. **SREEKUTTY, D/O. VIJAYAKUMAR, CHENAVILA VEEDU, KAYIKKARA DESOM, KADAKKAVOOR VILLAGE FROM THADATHARIKATHU VEEDU, MADATHARA - (MINOR).**

BY ADV. SRI.P.JACOB VARGHESE --- R1
SRI.THRIVIKRAMAN NAIR
SRI.VIVEK VARGHESE P.J.
SMT.V.A.GANGUJA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 30925/2005 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION TO REVOKE THE SUCCESSION CERTIFICATE NO.8 /98 FILED BY PETITIONER.

EXT.P2. COPY OF THE PETITION IN IA NO.2 340/05 FILED BY THE PETITIONERS IN OP (SUCC0 8/98 BEFORE THE MUNSIFF COURT, VARKALA.

EXT.P3. COPY OF THE DISMISSAL ORDER IN IA NO. 2340/05 IN OP NO. (SUCC) 8/98 DT. 24/10/05.

RESPONDENT'S EXHIBITS **NIL**

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 30925 OF 2005

Dated this the 30th day of July, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayer:

> "b) to issue such other direction or order to set aside the Ext. P3 order in I.A. No. 2340/05(Op(Succ) 8/98 dated 24.10.05 directing the court below to adjourn the hearing of the case till the final orders are passed by Additional Family Court, Nedumangad in the cases pending before the court holding that the orders in the Original Petitions are essential for proper decision of the case".

2. There is an interim order ever since 05.11.2005. Petitioners may move the Family Court, Nedumangad in case no orders have been passed in the matter for expeditious disposal of the matters. It is made clear that only after disposing of the case by the Family Court, the O.P(Succession) shall be tried. Accordingly, Exhibit P3 order is set aside.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp